

chaser's commercial domicile was in Turkey and that he had never taken any steps to divest himself of that domicile. The decision therefore involved a question of domicile rather than the validity of the transfer of the ship.¹

Sec. 325. Transfer from German to Turkish Registry After Armistice with Turkey. Differing somewhat from the case of the *Colonia* was that of the *Souhl* ex *Corcovado*,² a ship belonging to the Hamburg-American Line and sold to a Turkish company acting for the Turkish government in November, 1918, between the dates of the armistice with Turkey and that with Germany and transferred to the Turkish flag under the name of the *Souhl*. She was captured by a French cruiser in the harbor of Constantinople Jan. 31, 1919. Under the terms of the armistice German ships still remained liable to capture whereas Turkish ships did not. The transfer was held by the French Prize Council to have been invalid, mainly on the basis of the *règlement* of July 26, 1778, "still in force" and upon which the Prize Council had already held the transfer of the *Dacia* to be invalid. Considering, it said, that the purpose of the said *règlement* was to prevent belligerents from evading the principle laid down by the marine ordinance of August, 1681, according to which all enemy ships are good prize, there was place to apply the *règlement* "in all its spirit and to treat as fraudulent every sale having the object contemplated, whatever the date at which it may have been made." Consequently the sale must be regarded as having been made to withdraw the vessel from the risk of capture to which it was exposed.

Sec. 326. Conclusions. It will be seen from this review of prize jurisprudence relative to the transfer of flags that the prize tribunals of all the belligerent countries, except those of Great Britain, interpreted rigorously the rules governing transfers and that practically no transfers made during the war were sustained as valid. Even when claimants were given the benefit of the provisions of the Declaration of London those provisions were interpreted in such a manner as to make it impossible for claimants to discharge to the satisfaction of the Prize Court the burden of proof that was placed upon them. The German and French prize tribunals insisted that claimants were bound to prove that all contested transfers made subsequent to the outbreak of war would have been made just the same had not war supervened and that claimants must also prove that the

¹ See Sec. 324, *supra*.

² 27 *Rev. Gén.* (1920), *Jurispr.* 60.